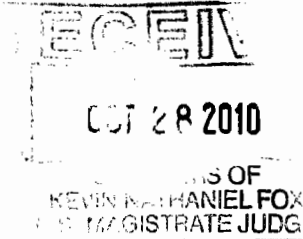


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Hon. Kevin N. Fox
United States Magistrate Judge
United States Courthouse
500 Pearl Street, Room 540
New York, New York 10007

MEMORANDUM

Re: *Rodriguez et. al. v. It's Just Lunch, et. al.*, No. 07-cv-9227 (SHS) (KNF)

Your Honor:

I am counsel for plaintiffs in the above-referenced putative class action. I write now to respectfully request that the Court permit the parties to conduct a series of three depositions in California (the "California Depositions"), on December 15-17, 2010. Defense counsel, Bari Klein, Esq., consents to this request. This request is necessary because the current discovery deadline is set for December 6, 2010, and the proposed deposition dates fall outside this deadline.¹

On October 25, 2010, the Court issued an Order enlarging the time for the parties to complete their pretrial discovery activities until December 6, 2010. Later that evening, I learned that both Daniel Dolan and Andrea McGinty, the former owners of IJL, had been successfully served with subpoenas at their business address in Costa Mesa, California. (See Exhibit A).

I have since spoken with Mr. Dolan on two occasions, and he has informed me that the proposed deposition dates – November 8 and November 9, 2010 – are not possible for him. Mr. Dolan explained that he would be traveling on business for almost the entire month of November, and that he would simply not be available on any of the dates that I had proposed.² Mr. Dolan did say, however, that both he and Ms. McGinty would be available to testify on at least two days between December 15-17, 2010. Counsel for both plaintiffs and defendants are also available on these dates. Further, there is one remaining former IJL employee, Jennifer Foster, who resides in California and whose deposition would presumably be taken on the day before or the day after the depositions of Mr. Dolan and Ms. McGinty.

¹The parties do not seek an extension of the December 6, 2010 deadline. The parties seek only permission from the Court to hold the California Depositions on dates which fall outside the current deadline.

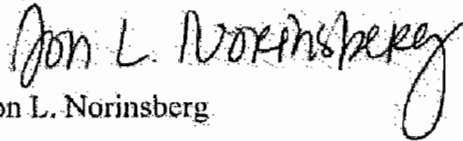
²I had suggested November 15, 16, 17 or 18, 2010 as possible deposition dates.

10/28/10
Application granted.
SO ORDERED:
Kevin Nathaniel Fox
KEVIN NATHANIEL FOX, U.S.M.J.

Based on the foregoing, the parties respectfully request that the Court issue an Order allowing the California Depositions to proceed on December 15-17, 2010, without otherwise extending the current discovery deadline of December 6, 2010.

I thank Your Honor for consideration of this request.

Respectfully submitted,



Jon L. Norinsberg

cc: Bari Klein, Esq. (via facsimile: 212-232-1399)
Brandon J. Page, Esq. (via email: brandon.page@balestriere.net)
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